STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF **XXXX**	)	**XXXX** JUDICIAL CIRCUIT
	)	
State of South Carolina,	)	Warrant No.: **XXXX**
	)	Indictment No.: **XXXX**
v.	)	
	)	
XXXX,	)	**MOTION FOR SUPPRESSION OF INVOLUNTARY STATEMENTS**
	)	
Defendant.	)	
_____	)	

The Defendant, by and through the undersigned Counsel, moves for the suppression of all statements made by the Defendant to any government agent and any evidence seized because of statements obtained in violation of the Fourth Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Article I, Sections 3, 10, and 14 (due process, unlawful search and seizure, right to silence, right to counsel and fair trial). Counsel for the Defendant hereby requests that the Court hold an *in-camera* evidentiary hearing on the admissibility of any statements made by the Defendant to any government agent during the police investigation, arrest, and any subsequent interrogation. *See* U.S. Const. Amends IV, V, VI, XIV; S.C. Const. art. I §§§ 3, 10, 14.

LAW

The Fifth Amendment to the United States Constitution guarantees that "[n]o person ... shall be compelled in any criminal case to be a witness against himself." U.S. Const. Amend. V. The Fifth Amendment privilege is violated by government coerced self-incrimination. *See United States v. Washington*, 431 U.S. 181 (1977). The Fifth Amendment's protections extend to statements or acts that are (1) compelled; (2) testimonial; and (3) incriminating of the person in a criminal proceeding. *United States v. Hubbell*, 530 U.S. 27 (2000).

Interrogation: Custodial Statements and Warnings

Miranda v. Arizona and its progeny bar the admission of certain statements given by a suspect during "custodial interrogation" without a prior warning. *See Miranda v. Arizona*, 384 U.S. 436 (1966). In *Miranda*, the Court held that "[p]rior to any questioning, the person must be warned (1) that he has the right to remain silent, (2) that any statement he does make may be used as evidence against him, and (3) that he has the right to the presence of an attorney, either retained or (4) appointed." *Id.* The Court further found that *Miranda* warnings apply to "questioning initiated by law enforcement after a person has been taken into custody or otherwise deprived of his freedom of action in any way." *Id.* Notably, all of the circumstances surrounding the interrogation must be considered (including events that occurred before, during and after the interrogation).

In *Thompson v. Keohane*, 516 U.S. 99 (1995), the United States Supreme Court held that "[t]wo discrete inquiries are essential to the determination: first, what were the circumstances surrounding the interrogation; and second, given those circumstances, would a reasonable person have felt he or she was at liberty to terminate the interrogation and leave. Once the scene is set and the players' lines and actions are reconstructed, the court must apply an objective test to resolve the ultimate inquiry: was there a formal arrest or restraint on freedom of movement of the degree associated with formal arrest."

The Court has further held that an interrogation occurs when the police engage either in express questioning or its functional equivalent. *See Rhode Island v. Innis*, 446 U.S. 291, 300-01(1980) (finding "the Miranda safeguards come into play whenever a person in custody is subjected to either express questioning or its functional equivalent."). Police actions are the functional equivalent of an interrogation when the comments or

actions were reasonably likely to result in an incriminating statement. *Innis*, 446 U.S. at 301 (finding "the definition of interrogation can extend only to words or actions on the part of police officers that they should have known were reasonably likely to elicit an incriminating response."). The police officer's intent is relevant, but not determinative. *Innis*, 446 U.S. at 301 n.7 (finding the intent of police "may well have a bearing on whether the police should have known that their words or actions were reasonably likely to evoke an incriminating response").

Invocation of Rights

In *Miranda*, the Court held that "[i]f the individual indicates *in any manner*, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease." 384 U.S. at 473-74 (emphasis added). The Court has also explained that "[t]he critical safeguard" provided by the *Miranda* warnings is the knowledge of "a person's 'right to cut off questioning.'" *Michigan v. Mosley*, 423 U.S. 96, 103 (1975) (quoting *Miranda*, 384 U.S. at 474). Therefore, "the admissibility of statements obtained after the person in custody has decided to remain silent depends under *Miranda* on whether his 'right to cut off questioning' was 'scrupulously honored.'" *Id.* at 103-04. At a minimum, this means that the police must immediately cease questioning for a significant period of time and administer a new set of warnings prior to reinitiating interrogation. *Id.* at 105-06.

If the suspect unambiguously invokes his right to counsel, the police must cease questioning immediately. *See Edwards v. Arizona*, 451 U.S. 477 (1981); *see also Minnick v. Mississippi*, 498 U.S. 146, 153 (1990). Even if a suspect has invoked her rights, law enforcement may nonetheless speak with the person if he or she reinitiates communication subsequent to the invocation. *See Edwards*, 451 U.S. at 485 (1981).

Whether a suspect has initiated interrogation turns on whether the suspect's comments or questions evidenced a willingness or desire to engage in a generalized discussion about the investigation. *See Oregon v. Bradshaw*, 462 U.S. 1039, 1045-46 (1983) (finding that a suspect's question about what was going to happen to him met this test because "it was not merely a necessary inquiry arising out of the incidents of the custodial relationship").

Waiver of Rights

A valid waiver of rights must be knowing and intelligent. In other words, "the waiver must have been made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it." *Moran v. Burbine*, 475 U.S. 412, 421 (1986). There is a presumption against waiver. *See North Carolina v. Butler*, 441 U.S. 369, 373 (1979) ("The courts must presume that a defendant did not waive his rights; the prosecution's burden is great"). Whether a waiver has occurred is determined by a totality of the circumstances test. *Butler*, 441 U.S. at 374-75 (quoting *Johnson v. Zerbst*, 304 U.S. 458, 464 (1938)) ("The question of waiver must be determined on 'the particular facts and circumstances surrounding that case, including the background, experience, and conduct of the accused"').

This is a subjective test, and the defendant's particular background, experience and characteristics are relevant considerations. *Id.* at 375. The waiver has two distinct dimensions: It must be "voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion, or deception," and it must be "made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it." *Moran*, 475 U.S. at 421. "In sum, a suspect

who has received and understood the Miranda warnings, and has not invoked his Miranda rights, waives the right to remain silent by making an uncoerced statement to the police." *Berghuis v. Thompkins*, 560 U.S. 370 (2010).

Voluntariness of Statement

The Due Process Clause of the Fifth Amendment provides that no person shall be "deprived of life, liberty, or property, without due process of law." U.S. Const. Amend. V. "[A] defendant in a criminal case is deprived of due process of law if his conviction is founded, in whole or in part, upon an involuntary confession, without regard for the truth or falsity of the confession." *See Jackson v. Denno*, 378 U.S. 368 (1964). A defendant has a constitutional right to "have a fair hearing and a reliable determination on the issue of voluntariness." *Id.* The test is whether, considering the totality of the circumstances, the free will of the witness was overborne. *Rogers v. Richmond*, 365 U.S. 534 (1961).

The Court has notes that "certain interrogation techniques, either in isolation or as applied to the unique characteristics of a particular suspect, are so offensive to a civilized system of justice that they must be condemned[.]" *Miller v. Fenton*, 474 U.S. 104, 109 (1985). Whether a statement was voluntary is determined by a totality of the circumstances test. The relevant inquiry is whether the particular suspect's will was overborne. *See Arizona v. Fulminate*, 499 U.S. 279, 287 (1991) (finding that the defendant's confession was coerced by a credible threat of physical violence where the defendant confessed to a government informant who promised to protect him from other inmates in exchange for information about the crime)

No single factor is determinative, but each case requires careful scrutiny of all the surrounding circumstances. *Schneckloth*, 412 U.S. at 226. *Schneckloth v. Bustamonte*,

412 U.S. 218, 226 (1973). The Due Process Clause voluntariness inquiry is not limited to the context of custodial interrogation, but the statement must be obtained by a police officer or other state agent. In other words, there must be a link between the coercive activity of the state and the confession. *Colorado v. Connelly*, 479 U.S. 157, 164 (1986) ("Absent police conduct causally related to the confession, there is simply no basis for concluding that any state actor has deprived a criminal defendant of due process of law.").

Right to Counsel

The Sixth Amendment guarantees that in all criminal prosecutions "the accused shall enjoy the right to ... have the Assistance of Counsel for his defense." U.S. Const. amend. VI. The essence of this right is the opportunity for a defendant to consult with an attorney and to have her investigate the case and prepare a defense for trial. *Powell v. Alabama*, 287 U.S. 45, 58 (1932). The Sixth Amendment right to counsel attaches once formal adversary proceedings have commenced against an individual. *See Brewer v. Williams*, 430 U.S. 387, 398 (1977) ("[T]he right to counsel guaranteed by the Sixth and Fourteenth Amendments means at least that a person is entitled to the help of a lawyer at or after the time that judicial proceedings have been initiated against him whether by way of formal charge, preliminary hearing, indictment, information, or arraignment.") (internal quotation omitted) ("The Sixth Amendment right to counsel attaches when adversarial judicial proceedings have been initiated and at all critical stages.") (citing *Michigan v. Harvey*, 494 U.S. 344 (1990)).

The Sixth Amendment right to counsel is offense specific. *See McNeil v. Wisconsin*, 501 U.S. 171, 175 (1991) ("It cannot be invoked once for all future prosecutions, for it does not attach until a prosecution is commenced."). In other words,

once the Sixth Amendment right to counsel attaches to a formal prosecution, police may not interrogate a defendant about *that particular prosecution* without the presence of counsel, unless the defendant initiates the interrogation or makes a valid waiver.

Deliberately Elicited Statements

If the Sixth Amendment right to counsel has attached, the next consideration is whether the police "deliberately elicited" incriminating statements from the defendant. *Massiah v. United States*, 377 U.S. 201, 206 (1964). The core concern is not only with direct interrogation, but also with "indirect and surreptitious interrogations" brought about by "investigative techniques that [are] the functional equivalent to interrogation." *Kuhlmann v. Wilson*, 477 U.S. 436, 457 (1986). Deliberately elicited statements, without an express waiver of the right to counsel, are inadmissible. *See Maine v. Moulton*, 474 U.S. 159 (1985).

Waiver of Right to Counsel

To demonstrate a valid waiver, the State must prove a voluntary, knowing and intelligent relinquishment of the Sixth Amendment right to counsel. *See Patterson v. Illinois*, 487 U.S. 285, 292, and n.4 (1988); *Brewer*, 430 U.S. at 404. When a suspect waives his right to counsel after receiving warnings equivalent to those prescribed by *Miranda v. Arizona* will generally suffice to establish a knowing and intelligent waiver of the Sixth Amendment right to counsel for purposes of post-indictment questioning. *Patterson*, 487 U.S. at 292 and n.4; *see also Montejo v. Louisiana*, 129 S.Ct. at 2092 ("In determining whether a Sixth Amendment waiver was knowing and voluntary, there is no reason categorically to distinguish an unrepresented defendant from a represented one. It is equally true for each that, as we held in *Patterson*, the *Miranda* warnings adequately

inform him 'of his right to have counsel present during the questioning,' and make him 'aware of the consequences of his decision by him to waive his Sixth Amendment rights."').

Intoxication: Knowing and Intelligent Waiver

A defendant's knowing and intelligent waiver has two distinct dimensions. It must be "voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation coercion or deception," and it must be "made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it." *Moran v. Burbine*, 475 U.S. 412, 421 (1986); *see also State v. Middleton*, 288 S.C. 21, 25, 339 S.E.2d 692, 694 (1986). It is not enough that the interrogator advised the suspect of his rights and the suspect made an uncoerced statement. The prosecution must show that the accused understood the rights. *Berghuis v. Thompkins*, 560 U.S. 370, 384 (2010) (citing *Colorado v. Spring*, 479 U.S. 564, 573-575 (1987); *Connecticut v. Barrett*, 479 U.S. 523, 530 (1987)).

In South Carolina, a court must examine the totality of the circumstances surrounding the custodial statement. The examining court must answer the question: Did the totality of the circumstances surrounding the custodial statement defeat the defendant's will? *See State v. Moses*, 390 S.C. 502, 513, 702 S.E.2d 395, 401 (Ct. App. 2010). In *Moses*, the "Courts have recognized appropriate factors that may be considered in a totality of the circumstances analysis:"

> background; experience; conduct of the accused; age; maturity; physical condition and mental health; length of custody or detention; police misrepresentations; isolation of a minor from his or her parent; the lack of any advice to the accused of his constitutional rights; threats of violence; direct or indirect promises, however slight; lack of education or low

> intelligence; repeated and prolonged nature of the questioning; exertion of improper influence; and the use of physical punishment, such as deprivation of food or sleep.

Id. at 513-514, 702 S.E.2d at 401 (internal citations omitted); *see also Withrow v. Williams*, 507 U.S. 680, 693-694 (1993). The test requires consideration of "'totality of all the surrounding circumstances – both the characteristics of the accused and the details of the interrogation.'" *Dickerson v. United States*, 530 U.S. 428, 434 (2000) (citations omitted); *see also State v. Miller*, 375 S.C. 370, 384, 652 S.E.2d 444, 451 (Ct. App. 2007).

Over four decades ago, the South Carolina Supreme Court held "[t]he fact that one is intoxicated at the time a confession is made does not necessarily render him incapable of comprehending the meaning and effect of his words." *State v. Saxon*, 261 S.C. 523, 529, 201 S.E.2d 114, 117 (1973). According to the *Saxon* Court, "proof that an accused was intoxicated at the time he made a confession does not render the statement inadmissible as a matter of law, unless the accused's intoxication was such that he did not realize what he was saying." *Id.* The Court further stated that "[p]roof of intoxication, short of rendering the accused unconscious of what he is saying, goes to the weight and credibility to be accorded to the confession, but does not require that the confession be excluded from evidence." *Id.*

Nevertheless, after making these pronouncements of the law, the Court ruled as follows:

> While there is testimony that [Saxon] had been drinking rather heavily and was not acting normally, there is other testimony from which the conclusion may be reasonably drawn that he was not drunk and fully comprehended what he was doing and saying. In fact, [Saxon] testified, and the inferences to be drawn from how own testimony amply support the conclusion that his statement was understandingly and voluntarily given. The testimony was properly admitted in evidence.

Id. at 529-530, 201 S.E.2d at 117. Thus, the Court analyzed the evidence to determine whether there was evidence that Saxon was "not drunk and fully comprehended what he was doing and saying."

Notably, this holding contradicted the legal principles previously enunciated, which suggested that unless an individual were intoxicated to the point of unconsciousness, then any statements made by the individual were not *per se* inadmissible. The Court's holding in the case rested upon its view that evidence existed in the record that Saxon "was not drunk and fully comprehended what he was doing and saying. *See Gladden v. Unsworth*, 396 F.2d 373, 381 (9th Cir. 1968) (ordering the state court to conduct a hearing on the voluntariness of Unsworth's statements where the undisputed evidence showed he was "in a state of gross intoxication" at the time of the making of the statements"; *Reddish v. State*, 167 So.2d 858, 863 (Fla. 1964) (holding a defendant's confessions "should not be permitted to stand as evidence against" the defendant where the "totality of all the circumstances, such as the man's physical condition, in combination with the impact of narcotics, as well as the lack of clear-cut testimony regarding his mental condition at the time he gave the statements" meant the confessions "were not obtained in a manner consistent with constitutional standards against compulsive self-incrimination"); *State v. Young*, 875 P.2d 1119, 1123 (N.M. Ct. App. 1994) (remanding where the trial court erroneously determined the defendant's intoxication was irrelevant to the issue of waiver because "voluntary intoxication is relevant to determining whether a waiver was knowing and intelligent"); *State v. Bramlett*, 609 P.2d 345, 350 (N.M. Ct. App. 1980) *overruled on other grounds by Armijo v. State Through Transp. Dep't*, 737 P.2d 552 (N.M. Ct. App. 1987) (holding the contradictory testimony from the officers that

the defendant was too intoxicated to be released and was detained for his own protections, but was not so intoxicated that he could not provide a knowing waiver of his constitutional rights "offends the standards of fundamental fairness under the due process clause" "and is unworthy of the degree of belief necessary to sustain a finding of voluntary waiver").

Promises of Help or Improper Influence

"A statement may not be 'extracted by any sort of threats or violence, [or] obtained by any direct of implied promises, however slight, [or] obtained by the exertion of improper influence.'" *State v. Miller*, 375 S.C. 370, 386, 652 S.E.2d 444, 452 (Ct. App. 2007) (quoting *State v. Rochester*, 301 S.C. 196, 200, 391 S.E. 2d 244 247 (1990)). It is not enough that a defendant previously waived his rights to silence. *Rochester*, 301 S.C. at 200, 391 S.E. 2d at 246. "[A] voluntary waiver continues" only "until the individual being questioned indicated that he wants to revoke the waiver and remain silent or circumstances exist which establish that his 'will has been overborne and his capacity for self-determination critically impaired.'" *Id.* (quoting *State v. Moultrie*, 273 S.C. 60, 62, 254 S.E.2d 294, 295 (1979)).

A confession may not be induced by any sort of threats or violence, or obtained by any direct or implied promises, however slight, or by the exertion of improper influence. *Id.* (citing *Hutto v. Ross*, 429 U.S. 28, 30 (1976)). When a statement induced by a promise of lenience is so connected with the inducement as to be a consequence of the promise, the statement is involuntary and inadmissible. *Id.* at 200, 391 S.E.2d at 246-247 (citing *State v. Peake*, 291 S.C. 138, 352 S.E.2d 487 (1987)).

The South Carolina Supreme Court held the state failed to meet its burden of showing a defendant's statement was voluntary and not the product of the officer's promise of leniency where the officer "made a suggestion" to the defendant that the state "would not ask for the death penalty" in his case and that the officer "would call the solicitor and have him put it in writing to that effect." *Peake*, 291 S.C. at 139, 352 S.E.2d at 487. The officer testified that he essentially guaranteed the defendant that the state would not see the death penalty if he gave the statement. *Id.*

In *Rochester*, a polygraph examiner told the suspect that it would be in his best interest to tell the truth. *Rochester*, 301 S.C. at 199, 391 S.E.2d at 246. Almost immediately thereafter, the suspect gave a detailed confession. *Id.* According to the South Carolina Supreme Court, "[t]he polygraph examiner's statement was not on its face an inducement or hope of lighter punishment. Standing alone, the polygraph examiner's comment did not constitute the kind of hope of reward or benefit condemned by this Court in *Peake*." *Id.* at 200-201, 391 S.E.2d at 247.

IN-CAMERA **HEARING**

Prior to the admission of any statements allegedly made by the Defendant, Counsel for the Defendant respectfully moves for this Court to make the following determinations based upon the evidence offered during the hearing. *See Jackson v. Denno*, 378 U.S. 368 (1964). The Defendant respectfully requests that the Court put all findings for the following issues regarding the voluntariness of the Defendant's statements on the record to preserve the issues for appellate review. *See State v. Brown*, 402 S.C. 119, 740 S.E.2d 493 (2013). Below are the quintessential questions in determining the admissibility of the Defendant's alleged statement(s) at trial:

FIFTH AMENDMENT

(1) Whether the Defendant was in custody? *See California v. Beheler*, 463 U.S. 1121 (1983); *Berkemer v. McCarty*, 468 U.S. 420 (1984); *State v. Evans*, 354 S.C. 579, 582 S.E.2d 407 (2003).

(2) If the Defendant was in custody, did the police interrogate him? *See Rhode Island v. Innis*, 446 U.S. 291 (1980); *State v. Franklin*, 299 S.C. 133, 382 S.E.2d 911 (1989).

(3) If the Defendant made custodial statements, did the police adequately advised him of his rights (*Miranda* warnings) prior to the interrogation. *See Miranda v. Arizona*, 384 U.S. 436 (1966).

(4) If the Defendant was advised of the *Miranda* warnings, were the warnings adequately explained to him? *See Duckworth v. Eagan*, 492 U.S. 195 (1989); *State v. Easler*, 322 S.C. 333, 471 S.E.2d 745 (Ct. App. 1996).

(5) If the warnings were adequately given to the Defendant, did he invoke or waive his rights?

WAIVER

(1) If the Defendant waived his rights, was the waiver "knowing and intelligent" under the totality of the circumstances? *See Moran v. Burbine*, 475 U.S. 412 (1986); *North Carolina v. Butler*, 441 U.S. 369 (1979).

INVOCATION

(1) If the Defendant invoked his rights, which right(s) did he invoke?

RIGHT TO SILENCE

(1) If the Defendant invoked his right to silence, did he clearly articulate a desire to end the interrogation? *See Davis v. United States*, 512 U.S. 452 (1994); *State v. Reed*, 332 S.C. 35, 503 S.E.2d 747 (1998).

(2) If so, was the Defendant's invocation "scrupulously honored"? *See Michigan v. Mosley*, 423 U.S. 96 (1975); *State v. Benjamin*, 345 S.C. 470, 549 S.E.2d 258 (2001).

RIGHT TO COUNSEL

(1) If the Defendant invoke his right to counsel, was the invocation of his right to counsel unambiguous? *See Davis v. United States*, 512 U.S. 452 (1994); *State v. Kennedy*, 333 S.C. 426, 510 S.E.2d 714 (1998).

(2) If so, did the police cease questioning the Defendant immediately after the invocation? *See Edwards v. Arizona*, 451 U.S. 477 (1981); *Minnick v. Mississippi*, 498 U.S. 146 (1990).

REINITIATE INTERROGATION

(1) Did the suspect reinitiate the interrogation? *See Oregon v. Bradshaw*, 462 U.S. 1039 (1983); *State v. Sims*, 304 S.C. 409, 405 S.E.2d 377 (1991).

(2) If so, were new *Miranda* warnings given to the Defendant?

(3) If so, were the new warnings adequate?

(4) If so, was there a valid waiver?

SIXTH AMENDMENT

(1) Did the Defendant have a Sixth Amendment right to counsel? *See Brewer v. Williams*, 430 U.S. 387, 398 (1977); *State v. Register*, 323 S.C. 471, 477, 476 S.E.2d 153, 157 (1996).

(2) If so, did the police deliberately elicit incriminating statements? *See Massiah v. United States*, 377 U.S. 201, 206 (1964); *Brewer v. Williams*, 430 U.S. 387, 405 (1977)

(3) If so, did the Defendant make a voluntary, knowing, and intelligent waiver of his Sixth Amendment right to counsel?

DUE PROCESS

(1) If the Defendant provided statements to police, was his statement(s) voluntary based on the totality of the circumstances? *See Arizona v. Fulminate*, 499 U.S. 279 (1991); *Colorado v. Connelly*, 479 U.S. 157 (1986); *Schneckloth v. Bustamonte*, 412 U.S 218 (1973); *State v. Von Dohlen,* 322 S.C. 234, 243, 471 S.E.2d 689, 695 (1996); *State v. Salisbury*, 330 S.C. 250, 272, 498 S.E.2d 655, 666 (Ct. App. 1998).

IMPEACHMENT

(1) Are there any of the Defendant's statements admissible for impeachment purposes? *See Harris v. New York*, 401 U.S. 222 (1971); *Mincey v. Arizona*, 437 U.S. 385 (1978); *State v. Victor*, 300 S.C. 220, 223, 387 S.E.2d 248, 249 (1989); *State v. Brown*, 296 S.C. 191, 193, 371 S.E.2d 523, 525 (1988).

DISCUSSION

If the Court finds that any of the alleged statement(s) were obtained involuntarily, Counsel for the Defendant moves for suppression of the following evidence:

(A) All statements made, whether written or oral, and such other actions of the Defendant, which involuntarily occurred before or after his arrest;

(B) All documents, photographs, audio/video recordings, digital data, or other tangible things that were seized from the Defendant and his property because of the statement(s);

(C) The testimony of any law enforcement officers, agents and all other persons working with such officers and agents, and all persons present at or near the location of the arrest of the Defendant and the subsequent interrogation regarding any statements and/or evidence acquired or objects seized as set forth in paragraphs (A), (B), and (C).

See U.S. Const. amends. VI, V, VI, XIV; S.C. Const. art. I, §§§ 3, 10 and 14.

[Conclusion and Signature Page to Follow]

CONCLUSION

Based on the foregoing reasons, Counsel for the Defendant respectfully moves to suppress all statements made by the Defendant to the government and any evidence seized in violation of the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Article I, Sections 3, 10, and 14.

IT IS SO MOVED.

Respectfully Submitted,

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